

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

CHARLES SLAUGHTER,

Plaintiff,

v.

No. 3:20-CV-789-CWR-ASH
ORAL ARGUMENT REQUESTED

DR. DANIEL P. EDNEY,
IN HIS OFFICIAL CAPACITY AS THE
MISSISSIPPI STATE HEALTH OFFICER, ET AL.

Defendants.

**PLAINTIFF’S MOTION FOR LEAVE TO FILE
DISPOSITIVE MOTION RETROACTIVELY**

Plaintiff, Charles Slaughter, respectfully moves the Court for an order retroactively granting leave to file his cross-motion for summary judgment and deeming the motion filed on February 9, 2024. In support thereof, Plaintiff would show as follows:

1. This suit involves a challenge to a portion of the Mississippi Health Care Certificate of Need Law of 1979 and a moratorium on the issuance of certain certificates of need.
2. Plaintiff filed his cross-motion for summary judgment (Docs. 88) and accompanying memorandum (Doc. 89) on February 9, 2024.
3. On February 15, 2024, the Parties¹ jointly advised the Court that Plaintiff’s motion had been filed seven days “beyond the Motion deadline of February 2, 2024, due to a personal emergency within plaintiff’s counsel’s family.” *See* Doc. 90 at ¶ 9.
4. On March 1, 2024, the State timely filed a response to Plaintiff’s motion, Doc. 92, (“State’s Resp.”). Plaintiff’s reply is due on March 22, 2024.

¹ “Parties” is used collectively herein to refer to Plaintiff, Charles Slaughter; Defendant, Dr. Daniel P. Edney, in his official capacity as the Mississippi State Health Officer; and Intervenor–Defendant, Mississippi Association for Home Care, Inc. There are no other parties.

5. In its response, the State correctly notes that Plaintiff's motion was filed late and without leave of Court. State's Resp. at 3.

6. As further explained in the accompanying memorandum of law, Plaintiff's late filing was due to excusable neglect, and good cause exists for the Court to accept the motion.

WHEREFORE, Plaintiff respectfully requests the Court to enter a separate order retroactively granting leave to file his cross-motion for summary judgment and deeming the motion filed on February 9, 2024.

RESPECTFULLY SUBMITTED, this the 20th day of March, 2024.

/s/ Aaron R. Rice
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, Aaron R. Rice, counsel for Plaintiff, hereby certify that the foregoing document has been filed using the Court's ECF filing system and thereby served on all counsel of record who have entered their appearance in this action to date.

This the 20th day of March, 2024.

/s/ Aaron R. Rice
Aaron R. Rice